

CHORPENNING, GOOD, CARLET & GARRISON

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Attorneys for Defendants, Sun Life

Assurance Company of Canada, Sun Life

Insurance and Annuity Company of

New York, and Sun Life Financial Inc.

(incorrectly plead as "Sun Life Financial")

ANTOINETTE ZAPPIER,

Plaintiff,

-against-

SUN LIFE ASSURANCE COMPANY OF
CANADA, SUN LIFE INSURANCE AND
ANNUITY COMPANY OF NEW YORK,
and SUN LIFE FINANCIAL,

Defendants.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No: 1:05-cv-5300

Civil Action

NOTICE OF REMOVAL

To: MARK E. SEITELMAN LAW OFFICES, P.C.
111 Broadway, 9th Floor
New York, New York 10006
Tele: 212-962-2626
Fax: 212-962-5050
Attorney for Plaintiff

PLEASE TAKE NOTICE that defendants, Sun Life Assurance Company of
Canada, Sun Life Insurance and Annuity Company of New York, and Sun Life
Financial Inc. (incorrectly plead as "Sun Life Financial") ("Sun Life"), hereby remove the

above-entitled action from the Supreme Court of the State of New York, County of Bronx (the "State Court"), to the United States District Court for the Southern District of New York, based upon the following:

1. The Sun Life defendants are the only defendants in the above-entitled action pending in the State Court.
2. Upon information and belief, the plaintiff is a resident and citizen of the State of New York.
3. The above-entitled action was commenced by filing a Complaint in State Court on or about April 26, 2005.
4. The above-entitled action was assigned Index No. 14698/05 in the State Court.
5. On or about May 5, 2005, Sun Life was served with the Summons and Complaint in the State Court action, a copy of such Summons and Complaint being annexed hereto as Exhibit "A". The Complaint is the initial pleading setting forth the claim for relief upon which the instant action is based.
6. Upon information and belief, no further proceedings have transpired in regard to the above-entitled action in the State Court.
7. The above-entitled action is for payment of certain insurance benefits pursuant to an employee welfare benefit plan that is subject to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C., Section 1001, et. seq.

8. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. Section 1331.

9. This action involves a claim under an "Employee Welfare Benefit Plan" as defined in 29 U.S.C. Section 1002(I). This case is removable as "arising under" federal law, by virtue of 29 U.S.C. Section 1331. Metropolitan Life Insurance Company v. Taylor. 481 U.S. 58, 107 S. Ct. 1542, 95 L. Ed. 2d 55 (1987).

10. This Notice of Removal is filed with this Court within thirty (30) days after service upon the first receipt by Sun Life of the Complaint in the State Court action and, therefore, is timely pursuant to 28 U.S.C., Section 1446(b).

11. Accordingly, this action is hereby removed to the United States District Court for the Southern District of New York pursuant to 28 U.S.C., Sections 1441 and 1446.

Dated: New York, New York
June 3, 2005

CHORPENNING, GOOD, CARLET &
GARRISON, ESQS.

Attorneys for Sun Life Assurance Company of
Canada, Sun Life Insurance and Annuity
Company of New York, and Sun Life Financial
Inc. (improperly plead as "Sun Life Financial")

By: /s/
VIRGINIA T. SHEA, ESQ. (VS-8848)

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served upon Mark E. Seitelman, Esq., at 111 Broadway, 9th Floor, NY, NY 10006 by Federal Express overnight courier, and that copies of same were served upon the Clerk, Supreme Court of the State of New York, County of Bronx, at 851 Grand Concourse, Bronx, NY 10451 on this 3rd day of June, 2005.

Dated: June 3, 2005

/s/ _____
VIRGINIA T. SHEA, ESQ. (VS-8848)